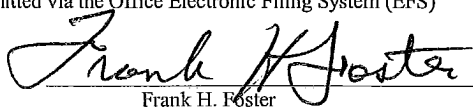


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/555,470
Applicant : Roger R. Dzwonczyk et al.
Filed : 11/02/2005
Tech. Center/Art Unit : 4123
Examiner : Michael C. Stout
Attorney File No. : OSU GEN 2949 PCT US
Customer No. : 002555
Confirmation Number : 4111
For : Measuring Human Heart Muscle Viability Using
Myocardial Electrical Impedance

I hereby certify that this correspondence is being transmitted via the Office Electronic Filing System (EFS)
on July 21, 2009.


Frank H. Foster

DECLARATION OF ROGER R. DZWONCZYK, CARLOS L. DEL RIO,
PATRICK I. MCCONNELL, AND MICHAEL B. HOWIE

We, Roger R. Dzwonczyk, Carlos L. Del Rio, Patrick I. McConnell, and Michael B.

Howie, each individually declare as follows:

1. I am one of the joint co-inventors named in the above identified patent application;
2. I am a co-inventor of the invention claimed in the above identified patent application because I conceived a part of the invention claimed in the application in collaboration with all of the other above named co-inventors;
3. I am familiar with two publications referred to herein as paper A and paper B, or collectively as "the papers", and identified as follows:
 - A. R. Dzwonczyk et al. "Myocardial Electrical Impedance Responds to Ischemia and Reperfusion in Humans", *Computers in Cardiology* 2002;29:541-543.Paper A was both cited and applied in a rejection by the examiner.

B. CL delRio et al. "Use of Myocardial Electrical Impedance to Assess the Efficacy of Preconditioning", *Computers in Cardiology* 2002;29:489-492. Paper B was cited but not applied by the examiner.

4. None of the individuals who are named as coauthors on these two papers but are not named as joint inventors, namely DA Brown, RE Michler, RK Wolf, B Clymer, H Awad, and P Czerwinski, are inventors of the invention claimed in the above patent application. None contributed to the conception of the invention claimed in the above patent application. All of these individuals worked, with respect to the invention claimed, under the direction of one or more named co-inventors in connection with preparation of the papers and/or the activities described in the papers. With regard to the invention claimed, the papers describe the inventors' own work, not the work of others.

5. Patrick I. McConnell is a joint co-inventor of the invention claimed in the above identified patent application, although he was not named as a coauthor of either paper. He jointly participated in the conception and development of the invention as claimed in collaboration with the other named co-inventors.

The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent, declares that all statements made in this declaration of his/her own knowledge are true; and all statements made in this declaration on information and belief are believed to be true.

9 July 2009
Date of Signature

Roman Dzwonczyk
Roger R. Dzwonczyk

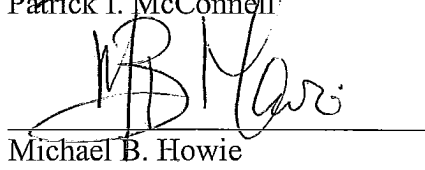
10 Jul 2009
Date of Signature

6/10 2009
Date of Signature

6-7- 2009
Date of Signature


Carlos L. Del Rio


Patrick I. McConnell


Michael B. Howie

Last printed 7/9/2009 12:55 PM
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